

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

909 ANTICIPATORY BAIL APPLICATION
NO.754 OF 2022

ASHOK LAXMAN PINGALE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. P.R. Katneshwarkar h/f.
Mr. Ravindra M. Deshmukh
APP for Respondent / State : Mr. S.B. Narawade
...

CORAM : S. G. MEHARE, J.
DATE : JULY 13, 2022

PER COURT :

1. Heard the learned Counsel for the applicant and the learned APP for the State.
2. The learned Counsel for the applicant would argue that the applicant had no role to play. The incident happened in a fair. Many persons were gathered there. All the witnesses are policemen. A false recovery of Rs.2000/- has been shown from the applicant. He never fled away as alleged. Even if it is considered that the incident is happened, the money allegedly recovered with articles for playing the gaming have also been seized. The punishment under Section 12 of the Maharashtra Prevention of Gambling Act is a fine which may extend to Rs.300/- and imprisonment which may extend to three months. In any

case, the custodial interrogation of the applicant would serve no purpose. Hence, he may be released on anticipatory bail.

3. The learned APP has vehemently argued that the applicant was apprehended on the spot, but he fled away. This is a serious act committed by the applicant. There are eye witnesses to the incident. The recovery of money and the articles used for gaming has also been done. Having regard to the conduct of the applicant, he is disentitled to the anticipatory bail.

4. It is a fact that the alleged incident happened in a fair where thousands of people were gathered. The allegations reveal that when the police caught hold the applicant, at that time many people gathered there and there was chaos. Though fleeing away from the police custody is a serious offence, the purpose of recovery of money and articles used for gaming has been served. Considering the punishment for an offence under Section 12 of the Maharashtra Prevention of Gambling Act and the place of the incident where hundreds of persons were gathered for fair, the purpose would not serve even if the custodial interrogation is allowed to the prosecution. In view of the facts and circumstances of the case, this Court is of the view that the applicant may be released on

certain conditions. Hence, the following order:

ORDER

- (i) The application is allowed.
- (ii) In the event of the arrest, the applicant namely Ashok Laxman Pingale be released on bail in Crime No.144 of 2022, registered with Gondli Police Station, Dist. Jalna for the offences punishable under Sections 353, 394 of the Indian Penal Code and under Section 12-A of the Maharashtra Prevention of Gambling Act, on furnishing P.B. and S.B. of Rs.15,000/- (Rupees Fifteen Thousand Only), with one solvent surety of the like amount, on the following conditions:

- (a) He shall not tamper with the prosecution witnesses.
- (b) He shall cooperate with the Investigating Officer.
- (c) He shall attend the concerned police station on every Saturday between 10:00 a.m. to 01:00 p.m. till the charge-sheet is filed.

[S. G. MEHARE]
JUDGE